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CRL O.P. No.2572 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.2572 of 2025

1.Geetha

2.Rabik Bai Saaruk @ Rabik Rahul

... Petitioners / Accused-4 & 6

Vs

State rep. by:-

The Inspector Of Police,
Poonamallee Police Station,
Thiruvallur District.
[Crime No.1039 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioners / Accused - 4 & 6 in Crime No.1039 of 2024 on the file of the respondent police.

For Petitioners : Mr. S.Silambuselvan

For Respondent : Mr. Leonard Arul Joseph Selvam,
Government Advocate
[Criminal side]



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ORDER

The petitioners / Accused-4 & 6, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 7(3) of Lotteries Regulations Act, 1998, r/w. Sections 112, 336 and 318 of BNS, 2023, in connection with the case in Crime No.1039 of 2024, seek anticipatory bail.

2. The case of the prosecution is that on 24.12.2024, based on the secret information, the respondent police went to the scene of occurrence and found that the accused was found to be illegally selling banned lottery tickets through a mobile phone.

3. Learned counsel for the petitioners would contend that the petitioners are innocent persons and they have been falsely implicated in this case. He would further contend that the custodial interrogation of the petitioners may not be required in this case and hence prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side), reiterated the prosecution case and on instructions submitted that, the A-1 and A-2 has been



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arrested and based on their confession, these petitioners/A4 and A6 have been

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5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

6. Considering the fact that the petitioners/A4 and A6 was implicated based on the confession of A-1 and A-2 and no seizure from these petitioners/A4 and A6, nature of allegations and since the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.2, Poonamallee**, on condition that each petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties



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each for a like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

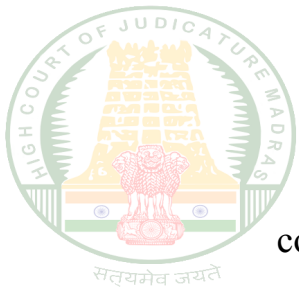
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the



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conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

10.02.2025

dsn

To

- 1.The Judicial Magistrate No.II, Poonamallee.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Poonamallee Police Station, Thiruvallur District.



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SUNDER MOHAN. J.,

dsn

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